

Board of Selectmen's Meeting Minutes

August 12, 2010

Harpswell Town Office

Approved on August 26, 2010

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At 5:30 p.m. the Board met to handle administrative matters: the 2010 Municipal Valuation Return was reviewed and signed; a workshop with the Town Planner was scheduled to review proposed ordinance amendments; Kyle Hall, Department of Transportation Region Engineer, reviewed the Cundy's Harbor Road project and contract; the Board asked the staff to review the Maine Municipal Legislative Committee survey for action at the next meeting; the Board agreed to have Administrator Eiane work with Connie Barker on a Cribstone Bridge opening celebration; staff to seek legal opinion from Maine Municipal regarding authority to regulate aesthetics of "floating cottages"; the Board discussed and agreed to have staff work with the Mitchell Field zoning and performance standards consultant on the zoning ordinance language; and the Board was informed of the Cumberland County caucus for membership on the Budget Advisory Committee. David Chipman explained that the Town's transmitter was struck by lightning and reviewed a proposal to sole source with a company to purchase replacement equipment for a total of \$3,856 plus an extra \$80 for power strips. Administrator Eiane reported the Town has a \$1,000 deductible and has received an insurance settlement of \$2,856 with the remaining costs to come from the Town's self insurance. The Board authorized the purchase and another for sand and loam for the Community Gardens.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:35 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as amended by adding Extension of Existing Franchise Agreement with Comcast under #8; motion passed 3-0.

2. Public Comment: Chairman Henderson asked for any handouts to be provided prior to comment and reminded the public that comments are welcome on items not on the agenda but that defamatory comments about individuals or complaints about Town staff members are not permissible as such complaints can be filed with the Board separately. Comments regarding policy or board members are permitted and the comment period is designed for not more than 5 minutes per speaker. Greater than 5 minutes one should request to be placed on the agenda. Robert McIntyre proposed the Board of Selectmen hold a meeting to get prepared for the West Harpswell School closure report that will be filed by MSAD 75 soon. Mr. McIntyre referenced miscalculations in last year's closure report and read the letter the Board sent Commissioner Gendron regarding one of those calculations. Mr. McIntyre urged the Board to be prepared to analyze the new information within the allotted time frame; Chairman Henderson suggested the Board will consider mechanisms on procedure at its next meeting.

3. Town Administrator's Report: Administrator Eiane announced the tax bills have been mailed on or about July 30, which is much earlier than past years and she complimented the staff for the effort. The Tax Office has been collecting payments at a steady rate. Administrator Eiane noted there was a tax insert mailed with the tax bills that outlined the State's "Circuit Breaker" program and encouraged the public to apply. Additionally the insert provided information regarding the Town's recycling program and about the Federal Emergency Management Agency (FEMA) proposals. The meeting with FEMA representatives, representatives from Representative Pingree's, Senator Snowe's and Senator Collins' offices and the Town's consultant, Robert Gerber has been confirmed for Thursday, September 2 beginning at 6:00 p.m. to review maps and a presentation at 7:00 p.m. at Harpswell Islands School. Administrator Eiane reported staff has undertaken a clean-up at

Mackerel Cove and it looks great. Administrator Eiane announced the Town has issued a request for proposals for two Welcome to Harpswell signs and submissions are due October 1.

4. Selectmen's Announcements: Selectman Wallace announced that Verizon is now active on the Town's communication tower. Selectman Wallace asked the public to notify the Town of any road issues such as washouts. Chairman Henderson stated there has been recent vandalism on the pier at Mitchell Field. Chairman Henderson asked the public to be aware of the potential vandals and to contact Cumberland County if anything looks peculiar.

5. Consent Agenda: 1) Approval of Minutes; 2) Resolution Authorizing Issue of \$600,000 Principal Amount of Bonds; 3) Release Deed for Map 47, Lot 95: Chairman Henderson moved, seconded by Selectman Wallace to approve the consent agenda minus the 7/29 minutes; motion passed 3-0. Selectman Multer moved, seconded by Selectman Wallace to approve the July 29 minutes; motion passed 2-0 (Chairman Henderson abstained).

6. Consider Rural Road Initiative Agreement with Department of Transportation Re: Cundy's harbor Road Project: Chairman Henderson stated a representative from the Department of Transportation (DOT) met with the Board at the administrative meeting and explained the project and contract. DOT will be responsible for the entire project, including contracting, permitting, etc. The tree removal and blasting will take place this fall and the actual road work is planned for completion by June or will be delayed until September of next year (2011). Chairman Henderson moved, seconded by Selectman Multer to approve the DOT agreement; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for July (attached).

8. Consider Extension of Existing Franchise Agreement: Chairman Henderson moved, seconded by Selectman Multer to extend the Franchise Agreement from February 1 to September 15 or a date earlier if a new agreement is finalized; motion passed 3-0.

- **Committee Recommendation for Franchise Renewal Agreement with Comcast:** David I. Chipman, CV Noyes and Alan Shaver were present from the Communications Committee. The Committee has worked on this renewal for over two years and ultimately worked from a State adopted model agreement and modified it for Harpswell. The Town will receive 5% of Comcast's gross entertainment fees (cable television). The Federal Communications Commission (FCC) ruled that the internet is not subject to franchise fees. The proposed agreement is for a 10-year period and includes a \$60,000 capital equipment fund and a \$5,400 technical grant (to be paid annually on January 15) to cover the internet costs of the Town and the three Fire Departments. The Town's Cable Ordinance requires a public hearing prior to adopting the agreement and also directs that the applicant (Comcast) will reimburse the Town for legal and public notice costs incurred. The proposed agreement was reviewed by Pat Scully at Bernstein Shur. Administrator Eiane noted she spoke with Jay Sommers, Comcast, and he indicated that Comcast would not agree to reimburse those costs. The Committee agreed the Board should not pursue the costs. Mr. Shaver noted that 10 years may seem like a long time but with the rapid speed in technological changes and the unknowns, the term covers the Town through the uncertainties. Mr. Noyes wanted to be sure that Robert Carr, director of Comcast, attends the hearing; staff will invite Mr. Carr. Mr. Shaver noted Comcast is changing email addresses and is sending communication to users. The proposed agreement may also include a side letter that provides a fee reduction to senior citizens on public assistance. Additionally, seasonal users can have the service terminated without a service call which saves money and time.
- **Consider Setting a Date and Time for Public Hearing:** The Board set the hearing for August 26 at 7:00 p.m. at the Town Office.

9. Consider Formation of Education Committee: Chairman Henderson moved to create the Education Advisory Committee as outlined in the provided draft and Selectman Wallace seconded. Selectman Multer expressed concern about another venue for the West Harpswell School closing topic that is volatile and she doesn't believe a committee can discuss and reach a consensus. Selectman Multer moved to remove the reference to West Harpswell School; the motion failed without a second. Chairman Henderson explained his intent under West Harpswell School is for the Committee to develop the advantages and disadvantages to the community. The group will be balanced and provide both sides of information and requires 4 of 5 to agree with any information supported by documentation, not opinion. Chairman Henderson moved, seconded by Selectman Wallace to amend the proposal by adding "to the community" under West Harpswell School and to add that the Board will appoint the chair. Rick Daniels suggested the West Harpswell School title be changed to say "two schools". The Board agreed to leave as drafted. The motion carried 2-0 (Selectman Multer abstained). Selectman Multer requested that the need for the Committee be evaluated at end of term to see if it continues to serve a purpose. Chairman Henderson moved, seconded by Selectman Wallace that the Board reviews the continued relevance of all committees at the first meeting after Town Meeting; motion passed 3-0.

10. Consider Local Option "Circuit Breaker" Program: Chairman Henderson stated some communities have adopted a local ordinance to further assist those that qualify for the State's circuit breaker program. Administrator Eiane explained this proposal doesn't include an age limit and if one qualified for the State's program, they would qualify for the local program. The State processed 262 rebates at a total of \$144,000. The Town could place a cap on the Town's program at \$300 per applicant which could total about \$78,000, representing about less than 1% impact on the tax rate. Some communities limit the program to only seniors. Chairman Henderson noted the appropriation could be capped and the applications would be pro rated and that he preferred to not limit to certain age groups. Chairman Henderson suggested changing the requirement of home ownership from 10 to 5 years; Selectman Multer will provide her technical changes. Chairman Henderson noted that the taxpayers that do not qualify for this program will be paying more in taxes to cover the program. Marguerite Kelly suggested the Town require proof that an applicant's property taxes have been paid. Chairman Henderson moved, seconded by Selectman Wallace to table this item to the next meeting; motion passed 3-0.

11. Consider Request for Proposals for Removal of Metal Frame at Mitchell Field: Administrator Eiane explained the Mitchell Field Implementation Committee is recommending the metal frame be removed and given the value of steel, there may be no cost to the Town for removal. Administrator Eiane reviewed that the RFP requires that persons submitting responses must carry liability insurance. David Chipman stated the frame was covered with lead paint, that the Navy removed and he suggested the concrete base be removed as well. Administrator Eiane responded that the Department of Environmental Protection has approved the RFP as is but would require additional review and regulation to remove the base and suggested the Board could address the base in the future. Chairman Henderson moved, seconded by Selectman Multer to authorize the sending of the RFP with the minor technical amendments; motion passed 3-0.

12. Use of Contingency: 1) Marine Operations and 2) Wetland Delineation at Mitchell Field: Administrator Eiane explained the Board, in agreement with the Mitchell Field Implementation Committee, requested prices for a cursory wetland review of the 9 acre business district at Mitchell Field and \$500 is available for this use. Stantec has provided several options, including a basic wetlands review for \$850. Chairman Henderson suggested if wetlands are found, consideration should be given to extending the zone in one way or another to reach 9 acres of dry land. Chairman Henderson moved, seconded by Selectman Wallace to approve an amount not to exceed \$700 (allowing a proposal total of \$1,200) from contingency to fund the modified option one from Stantec; motion passed 3-0. Mary Ann Nahf noted there are errors shown on wetland maps, including depicting a wetland at Mitchell Field that the Town has recently sent in for removal of. Chairman Henderson moved, seconded by Selectman Wallace to approve the use of up to \$1,000 from contingency to fund marine patrol boat operations for the remainder of 2010; motion passed 3-0.

13. Consider Town's Weatherization Program and Request for Proposals for Auditor: Deputy Administrator Sawyer explained the Town received a \$10,000 grant from Cumberland County for weatherization and this program to expend the grant was modeled after the Town's septic replacement program, previously approved by the Board. Applicants must provide proof of insurance coverage, qualify based on the Cumberland County median income, own the home for the previous 12 months, and be current in tax and mortgage payments. There was a discussion regarding the requirement to be current in tax and mortgage payments; the Board agreed that Town funds should be spent on a site not subject to foreclosure as use of the residence after that is unpredictable. The request for qualifications is to seek a home energy auditor to evaluate the homes of qualified applicants and develop a report; the Town will potentially perform the suggested best improvements. Chairman Henderson moved, seconded by Selectman Wallace to authorize the sending of the RFQ; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to approve the Program; motion passed 3-0.

14. Committee Appointments and Resignation: Selectman Multer moved, seconded by Selectman Wallace to appoint Paul Desjardins to the Energy Committee and Comprehensive Plan Implementation Committee until April 30, 2011; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to accept Chris Coffin's resignation from the Town Lands Committee with thanks; motion passed 3-0.

15. Review Public Participation Policy: Chairman Henderson stated that #4 of the current policy may be a problem with numerous requests from the public to be placed on the agenda instead of adhering to a limited public comment period. Selectman Multer handed out a proposed amendment to limit repeated public comments about the same topic such as the arguments surrounding the West Harpswell School closure. Chairman Henderson stated it could be difficult on determining where to draw the line. Selectman Multer suggested the other Board members review and consider the amendment at the next meeting. Chairman Henderson encouraged public input and moved, seconded by Selectman Wallace to table this to the next meeting; motion passed 3-0.

16. Public Participation Request C. Matthew Rich: Matthew Rich stated that the school and county assessments both comprise a good share of the Town's tax bills. Mr. Rich reviewed the past MSAD 75 enrollments and assessments. Mr. Rich reported that LD-570 allows the separation within a district such as Harpswell. Mr. Rich stated the West Harpswell School is 40 plus years old and encouraged the Board to write a letter to SAD 75 to negotiate the local control of K-5 and to contract with SAD 75 for 6 – 12. Mr. Rich suggested it would be helpful to tell Town Meeting how the pay raise pool will be allocated, with minimums and maximums. Mr. Rich complimented the Board on holding a great meeting regarding Cedar Beach. Mr. Rich commented that Selectmen need to be careful and accurate when speaking at public forums and need to respect the roles of local school, etc. The Board could consider entering a Memorandum of Understanding with SAD 75 to keep West Harpswell School open if that's the goal and Town Meeting could approve a warrant with operational and capital costs. Chairman Henderson responded that some of Mr. Rich's ideas are reasonable and while they may need further research, should be considered. Selectman Wallace stated the WHS Facility Committee reviewed the West Harpswell School and it is in good shape. Selectman Multer stated the State Board of Education reviews school capital plans and have seen some horrific sites; the application process is competitive for limited funding.

17. Other Business: None.

18. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #52 in the amount of \$697,402.81 (\$587,335 for SAD #75 monthly payment); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #53 in the amount of

\$19,093.62; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #32 in the amount of \$14,042.31 was noted for the record.

19. Adjournment: The meeting adjourned by unanimous vote at 9:04 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]